

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE: : CHAPTER 11  
:   
ASPEN VILLAGE AT LOST MOUNTAIN : CASE NO. 19-40262 - BEM  
ASSISTED LIVING, LLC, :   
:   
DEBTOR.

**UNITED STATES TRUSTEE'S APPOINTMENT  
OF PATIENT CARE OMBUDSMAN**

COMES NOW, Nancy J. Gargula, United States Trustee for Region 21 and, pursuant to the order entered by this Court on January 22, 2020 (Doc. No. 176) directing the United States Trustee to appoint one or more patient care ombudsmen in this case pursuant to 11 U.S.C. § 333(a)(1), the United States Trustee hereby appoints the following person to serve as the patient care ombudsman in connection with the Debtor's assisted living facility:

Melanie S. McNeil, Esq.  
State Long-Term Care Ombudsman  
2 Peachtree Street, N.W.  
33rd Floor  
Atlanta, GA 30303  
404-657-5327 (Office Telephone)  
404-416-0211 (Cell Phone)  
404-463-8384 (Office Facsimile)  
Melanie.McNeil@dhs.ga.gov

This appointment is accompanied by a verified statement of Melanie S. McNeil ("the Patient Care Ombudsman") setting forth her connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, and any person employed in the office of the United States Trustee.

In accordance with Bankruptcy Code section 333(b), the Patient Care Ombudsman shall:

- (1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;
- (2) not later than 60 days after the date of this appointment, and not less frequently than at 60 day intervals thereafter, report to the Court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and
- (3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the Court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

Pursuant to Federal Rule of Bankruptcy Procedure 2015.1(a), at least 14 days before making a report under section 333(b)(2) of the Code, the Patient Care Ombudsman shall give notice that the report will be made to the Court by (1) transmitting notice of the United States Trustee; (2) posting notice of the report conspicuously at each health care facility that is the subject of the report; and (3) serving the notice on the debtor, the trustee (if one is appointed), all patients, and any committee elected under section 705 or appointed under section 1102 of the Bankruptcy Code (or, if no committee of unsecured creditors has been appointed under section 1102, then upon the creditors included on the list filed under Rule 1007(d)), and such other entities as the Court may direct. The notice shall state the date and time when the report will be made, the manner in which the report will be made, and, if the report is in writing, the name, address, telephone number, email address, and website, if any, of the person from whom a copy of the report may be obtained at the debtor's expense.

Pursuant to Federal Rule of Bankruptcy Procedure 2015.1(b), motions by the Patient Care Ombudsman to review confidential patient records shall be governed by Rule 9014, served on the patient and any family member or other contact person whose name and address has been given to the trustee or the debtor for the purpose of providing information regarding the patient's health care, and transmitted to the United States Trustee subject to applicable non-bankruptcy law relating to patient privacy. Unless the Court orders otherwise, a hearing on the motion may be commenced no earlier than 14 days after service of the motion.

As provided by Bankruptcy Code section 333(c)(1), the Patient Care Ombudsman shall maintain any information she obtains by virtue of her appointment in this case that relates to patients (including information relating to patient records) as confidential information.

Notice is further given that the Patient Care Ombudsman may resign from such position for any reason upon 21 days' written notice to the United States Trustee, delivered by overnight mail or certified mail to the address listed hereinbelow.

This appointment made the 26th day of January, 2020.

NANCY J. GARGULA  
UNITED STATES TRUSTEE  
REGION 21

By: /s/ Vanessa A. Leo  
Vanessa A. Leo  
Georgia Bar No. 410568  
United States Department of Justice  
Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
Atlanta, Georgia 30303  
(404) 331-4437, ext. 129